IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5824 of 2007()

CMP.3339/2007 of J.M.F.C.-II, CHENGANNUR
CRIME NO.82/2007 OF CHENGANNUR EXCISE RANGE

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: PETITIONER/ACCUSED IN CR.NO.82/07

JOSEPH @ KUNJUMON, S/O. ALLASH,
AGED 38 YEARS, RESIDING AT PLAPPALLIL VADAKATHIL
VEEDU, ENNAICKAD, ENNAICKAD VILLAGE, CHENGANNUR,
ALAPPUZHA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CR.NO.82/07

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5824 of 2007

Dated this the 26th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. 175 litres of arrack in five containers were found concealed. The excise officials, on receipt of discreet information went and seized the concealed quantity of arrack. Investigation revealed that the petitioner was the person who had kept the articles concealed at the place where it was recovered. The petitioner has come to this court with a prayer for anticipatory bail and that application was dismissed by this court as per order dated 09/08/2007 in B.A.No.4644/07. In deference to the observation of the said order, the petitioner surrendered later before the learned Magistrate on 5/9/2007. His application for regular bail was dismissed by the learned Magistrate. The petitioner repeats the prayer for regular bail before this court. The learned Public Prosecutor submits that the petitioner has no history of any criminal antecedents.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on

condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner can now be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 08/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007